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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,678

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David A. Bell

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01/16/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PACHURA, REBECCA L

ART UNIT

PAPER NUMBER

2436

MAIL DATE

DELIVERY MODE

01/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/528,678	Applicant(s) BELL, DAVID A.
Examiner Rebecca L. Pachura	Art Unit 2436

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-10, 12 and 14-20.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Nasser G Moazzami/
Supervisory Patent Examiner, Art Unit 2436

Continuation of 11, does NOT place the application in condition for allowance because:

The 35 U.S.C. 112, 2nd paragraph rejection is withdrawn.

The claim objections are withdrawn.

The 35 U.S.C. 103(a) rejection is maintained because:

Applicant argues:

Amended independent claim 1 further recites the limitations of "control means, operable by each candidate person, to control third party access to the stored personal data relating to the candidate person." The Final Office Action indicates these limitations are shown in Sheridan in col. 2, lines 45-52. Applicants respectfully disagree. In col. 2, lines 45-52, Sheridan simply teaches "access rights... to a remotely stored image set." Nothing in Sheridan teaches controlling, by each candidate person, access to the stored personal data relating to the candidate person. The image acquisition device for capturing an image of a target person is not controlled by an access right in the present invention, but the personal data is controlled.

The Examiner respectfully submits:

That Sheridan is not attempting to control access to the image acquisition device but is in fact controlling access to the personal images stored at the remote terminal by selecting from among a plurality of possible access rights to generate a granted access right set which contains a set of access rights to a remotely stored image set (personal image data) (Sheridan column 2, lines 46-52 and Figure 2).

Applicant argues:

Amended independent claim 1 further recites the limitations of "A user device comprising an image acquisition device..., a search engine for matching the captured image of the target person to a candidate person image data item and retrieving the personal data relating thereto, wherein the search is limited to candidate person image data items that relate to further user devices that are in the same geographical area as the user device..." The Final Office Action indicates these limitations are shown in Platt in page 2, paragraph 0024. Applicants respectfully disagree. In this section Platt teaches that a user can provide a search query requesting images that relate to a specific geographical location or vicinity. Thus, in Platt a user inputs a location and receives images in that location. Nothing in Platt teaches that the search is limited to candidate person image data items that relate to further user devices that are in the same geographical area as the user device.

The Examiner respectfully submits:

That the examiner appreciates the clarification but, Wang2 does in fact distinguish other user devices in the same geographical area as the user device (Wang2 column 8, lines 25-34).

Applicant argues:

The Final Office Action indicates these limitations are shown in Sheridan in col. 3, lines 42-50 and col. 9, lines 1-8. Applicants respectfully disagree. In col. 3, lines 42-50, Sheridan simply describes the term 'communication' e.g. as a transmission of a signal... via various means including satellite. In col. 9, lines 1-8 Sheridan simply describes a Hub station 20 having means for communicating stored image set signal to an of a plurality of terminal 40A, 40B, 40C to 40N connected the hub 20. Nothing in Sheridan and in particular either of these cited sections teaches "wherein the means for accessing and the means for retrieving include a wireless communication device that is adapted to communicate with a plurality of further portable devices, the further portable devices together forming the remote database."

The Examiner respectfully submits:

That Sheridan teaches that remote means at least in another building and that the communication means includes non-wired links i.e. wireless as well as satellite (this device could be installed on a satellite phone which would make its geographical area much larger). Sheridan's terminals are all described as remote terminals (Sheridan column 2, lines 46-52).

Applicant argues:

With regard to the dependent claims 2-9, 12 and 16-20, these claims ultimately depend from one of the independent claims, which have been shown to be allowable in view of the cited references. Accordingly, claims 2-9, 12 and 16-20 are also allowable by virtue of their dependence from an allowable base claim.

The Examiner respectfully submits:

That because claims 2-9, 12, and 16-20 depend from rejected claims they are also rejected.

Therefore, based on the arguments above claims 1-10, 12 and 14-20 are rejected under 35 U.S.C. 103(a).